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December 20, 2013

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Via ECF and Telefax

Ann Marie Donio, United States Magistrate Judge
Mitchell H. Cohen Federal Courthouse
Room 2010
1 John F. Gerry Plaza
Fourth and Cooper Streets
Camden, New Jersey 08101

RE: Del Monte Fresh Produce International, Inc., et al
v. M/V GREEN BRAZIL, et al
Civil Action No: 7632(RBK/AMD)
Our File No: 8207-1-13

Dear Judge Donio:

Zeller & Wieliczko, LLP, represents the Plaintiffs in the above-referenced matter. In that regard, on Wednesday, September 18, 2013, Your Honor executed and filed an Order for Issuance of Warrant of Maritime Arrest, along with an Order for the Appointment of Substitute Custodian. On that same date, the Deputy Clerk executed a Warrant of Arrest and the U.S. Marshal Service did, subsequently, arrest the M/V GREEN BRAZIL. Since that time, the Defendants have allowed access to the vessel, her engines, boilers, tackle, machinery, etc., for inspection and testing and the Defendants have also agreed to post security in an acceptable form to the Plaintiffs.

Accordingly, the Plaintiffs are agreeable to vacating the Warrant of Arrest and above referenced Orders at this time. Attached please find a proposed form of Order providing that the Order for Appointment of Substitute Custodian, Order for Issuance of Warrant of Maritime Arrest and the Warrant of Arrest will be vacated and the M/V GREEN BRAZIL can be released from arrest and may leave the waters of this District.

By copy of this correspondence, by both regular mail and email, we are advising counsel for the Defendants, Mr. Lyons, of the developments as detailed above and of the submission of this proposed form of Order. Mr. Lyons has indicated to my co-counsel that he consents to the vessel being released from arrest.

Ann Marie Donio, United States Magistrate Judge
December 20, 2013
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We are respectfully requesting that the attached form of Order be executed and filed this afternoon if it meets with Your Honor's approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew B. Wieliczko', with a stylized flourish at the end.

Matthew B. Wieliczko, Esquire

MBW:jey

Enc.

cc: Martin F. Casey, Esquire (w/enc.)
Gregory G. Barnett, Esquire (w/enc.)
Kirk J. Lyons, Esquire (w/enc.)